

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 5 and 12 are cancelled. Claims 1-4, 6-11 and 13-23 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 1, 8 and 15 have been amended to place the application in condition for allowance. It is therefore submitted that this Amendment should be entered.

Claims 2-4, 6-7, 9-11, 13-14, 17-18, 20 and 23 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, the Examiner rejected claims 1-2, 5-9 12-17, 19-20 and 22-23 under 35 U.S.C. § 102(e) as being anticipated by Yoneda (U.S. Patent No. 6,609,251). Claims 5 and 12 are cancelled. It is submitted that the remaining claims are patentably distinguishable over Yoneda.

The Yoneda patent describes a reproducing apparatus which receives a transport stream of multiplexed data transmitted over a network, separates and decrypts a network information table (NIT) packet to obtain scanning method information of the video data, and *determines whether the video data is to be decoded* by a non-interlace video decoding unit or by an interlace video decoding unit *based on the scanning method information*. (See Figs. 1 and 5; col. 14, line 46 - col. 15, line 57; col. 20., lines 6-38; and col. 22, lines 15-67). Yoneda therefore describes using the scanning method information *to determine the method of decoding the video data*. The patent does not suggest processing *the decoded image signal* using at least one image signal processing parameter *to control the processing of the decoded image signal*.

Yoneda does not suggest:

a processing unit operable to process the decoded image signals into processed image signals that include RGB signals, the at least one image signal processing parameter being used to control the processing of the decoded image signals and thereby control image quality of the selected program

as defined in claim 1.

Claims 2, 6-7 and 16-17 depend from claim 1, and each further defines and limits the invention set out in the independent claim. Therefore, each of claims 2, 6-7 and 16-17 defines a combination that is patentably distinguishable over Yoneda at least for the same reasons.

Moreover, regarding claims 16 and 17, the Examiner acknowledges that Yoneda does not disclose the encoding parameters recited in claim 16 or the display settings defined in claim 17 but asserts that the encoding parameters and the display settings are well-known and that it would have been obvious to one of ordinary skill in the art to modify Yoneda to include the video encoding parameters of claim 16 or the display settings of claim 17. However, for a reference to anticipate under 35 U.S.C. § 102, *each and every element* set forth in the claims must be either expressly or inherently described by the reference. Here, where the Examiner acknowledges that the claimed limitations are not disclosed by Yoneda and asserts that they are merely obvious modifications of the patent, the rejection of claims 16 and 17 under 35 U.S.C. § 102 is improper. MPEP § 706.02 and § 2131.

Independent claim 8 is directed to an image processing method and includes limitations similar to those set out in claim 1. Claim 8 is therefore patentably distinguishable over Yoneda at least for the same reasons.

Claims 9, 13-14 and 19-20 depend from claim 8 and are patentably distinguishable over the reference at least for the

same reasons. Moreover, claims 19 and 20 include limitations similar to those recited in claims 16 and 17. Therefore, the rejection of claims 19-20 under 35 U.S.C. § 102 is improper for the same reasons.

Independent claim 15 is directed to a recording medium recorded with a computer readable program for carrying out the image processing method set out in claim 8. Claim 15 is therefore distinguishable over Yoneda at least for the same reasons.

Claims 22 and 23 depend from claim 15 and are distinguishable over Yoneda at least for the same reasons. Additionally, claims 22 and 23 include limitations similar to those defined in claims 16 and 17. The rejection of claims 22 and 23 under 35 U.S.C. § 102 is therefore improper for the reasons described above.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

The Examiner also rejected claims 1, 3-8 and 10-23 under 35 U.S.C. § 103(a) as being unpatentable over Kim (U.S. Patent No. 6,188,439). As noted previously, claims 5 and 12 are cancelled. It is submitted, however, the remaining claims are patentably distinguishable over Kim.

The Kim patent describes a signal processing unit that converts a broadcast signal into *"an appropriate signal to comply with the television set"*, an audio separation unit that separates the converted signal into a video signal and an audio signal, and a genre data detection unit that detects genre data *from the separated video signal*. The genre data is therefore detected *after the broadcast signal is decoded* into a form suitable for the television set, such as when the genre data is detected in the vertical blanking period of the separated video signal. (See Figs. 2 and 4; and col. 3, lines 30-45 and 63-67). Kim does not suggest extracting the genre data from the

broadcast signal before decoding and thus does not suggest acquiring video encoding parameters associated with the extracted digital image data of the selected program.

Additionally, because the selected broadcast signal is converted into "an appropriate signal to comply with the television set", Kim does not suggest decoded image signals including a luminance signal and color difference signals.

Kim does not suggest:

an acquisition unit operable to acquire video encoding parameters associated with the extracted digital image data of the selected program and to decode the extracted digital image data into decoded image signals including a luminance signal and color difference signals

as called for in claim 1.

Kim further describes an audio signal processing unit and a video signal processing unit that use an audio and video control signal, which is based on the genre data, to *adjust the level of the video and audio condition*. Moreover, the video signal processing unit processes a signal that is already *appropriate to comply with the television set* rather than process a decoded image signal that includes chrominance and luminance signals. (See Figs. 3-4; and col. 3, lines 36-50). Kim therefore does not suggest processing *decoded image signals* into processed image signals that include RGB signals *using the image signal processing parameter to control the processing*.

Kim therefore does not suggest:

a processing unit operable to process the decoded image signals into processed image signals that include RGB signals, the at least one image signal processing parameter being used to control the processing of the decoded image signals and thereby control image quality of the selected program

as recited in claim 1.

It follows that Kim does not suggest or contemplate

the image processing apparatus defined in claim 1, and claim 1 is patentably distinct and unobvious over Kim.

Claims 3-4, 6-7, and 16-18 depend from claim 1, and each further defines and limits the invention set out in the independent claim. It follows that each of claims 3-4, 6-7 and 16-18 defines a combination that is patentably distinguishable over Kim at least for the same reasons.

Independent claim 8 defines an image processing method that includes limitations similar to those set out in claim 1. Therefore, claim 8 is patentably distinguishable over Kim at least for the same reasons.

Claims 10-11, 13-14 and 19-21 depend from claim 8 and are distinguishable over Kim at least for the same reasons.

Independent claim 15 relates to a recording medium recorded with a computer readable program for carrying out the method defined in claim 8 and is therefore distinguishable over Kim at least for the same reasons.

Claims 22-23 depend from claim 15 and, at least for the same reasons, are distinguishable over Kim.

Finally, the Examiner rejected claims 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Yoneda. It is submitted, however, that the claims are patentably distinguishable over the references.

Claim 2 depends from claim 1, and claim 9 depends from claim 8. As noted previously, neither Kim nor Yoneda suggests the processing unit defined in claim 1. Similarly, neither reference suggests the processing step recited in claim 8. It follows that neither Kim nor Yoneda, whether alone or in combination, suggests the apparatus defined in claim 2 or the method defined in claim 9. Therefore, claims 2 and 9 are patentably distinct and unobvious over the references.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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